

children safe in school by requiring States to take commonsense steps. First, schools will be required to comprehensively conduct background checks for any employees using State criminal and child abuse registries and the FBI's fingerprint database.

Second, schools will be prohibited from hiring or retaining anyone who has been convicted of certain violent crimes, including crimes against children, crimes involving rape or sexual assault, and child pornography.

This bill will prevent more children from being put in unsafe environments because the adults who are responsible for their well-being failed to do their jobs.

A 2004 Department of Education report estimated that millions of students are subjected to sexual misconduct by school employees at some time between kindergarten and the 12th grade. Coupled with the findings of last week's GAO report, it is very clear that this legislation is absolutely critical. Parents have a right to believe that their children are safe in schools, and schools have an obligation to fulfill that promise.

This bill is only part of the solution, but it is an important step forward. The GAO report sent shock waves through households across the country. We owe it to parents and to the children and to the honorable school officials who follow the rules to pass this legislation. We also owe it to them to send a strong message that people who abuse children or do not do their jobs to keep children safe will face serious consequences.

I hope that the next Congress will be able to take an even more comprehensive approach to protect children in our schools, and I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 6547, a bill to require background checks for all public school employees. H.R. 6547 is designed to ensure States using Federal taxpayer resources to fund education are taking the necessary steps to ensure individuals with a history of criminal behavior are not able to slip through the cracks and be placed in positions of trust within our schools.

The bill requires States to have policies in place to conduct a check of the State criminal registry, a State-based registry of child abuse and neglect, the National Crime Information Center, an FBI fingerprint check, and a search of the National Sex Offender Registry on all public school employees in order to receive Federal funds under the Elementary and Secondary Education Act. The State-based checks must also be run for all States where an employee or prospective employee had previously resided.

Every Member of this Chamber wants to protect students from harm, and there is no excuse for schools not doing

everything they can to ensure the safety of children in their care.

□ 1110

In fact, Congress has already acted on this issue by ensuring schools have access to national background checks in the Safe Schools Act, which was signed into law as part of the Adam Walsh Child Protection and Safety Act of 2006. This was a bill that was worked on in a bipartisan manner and passed by voice vote in both Chambers.

Unfortunately, the majority has chosen a different approach with the bill before us today. Instead of holding hearings or scheduling a markup to thoroughly discuss and vet this issue, they are rushing this bill to the floor for quick consideration at the end of Congress. This is not the best way to craft thoughtful legislation. But, despite our concerns about legislative process, we all agree that our students must be protected from sexual predators in their schools. And, therefore, I urge my colleagues to support this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I would quickly say that I would like to thank the gentlelady from Illinois for her cooperation on this. I know this isn't the best process, but at the end of the session, having the Government Accountability Office report land on our desk on our watch, I felt it was important that we pass this legislation today to clearly send a very strong message to school districts across the country that they have to meet their responsibility to keep our children safe during school hours. I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of the H.R. 6547, "Protecting Students from Sexual and Violent Predators Act." The Protecting Students from Sexual and Violent Predators Act amends the Elementary and Secondary Education Act of 1965 to require each state receiving funds under that Act to have in effect policies and procedures that: (1) require criminal background checks for school employees, including searches of state criminal registries or repositories, state-based child abuse and neglect registries and databases, the National Crime Information Center of the Department of Justice, the National Sex Offender Registry, and the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation (FBI); and (2) prohibit the employment of school employees who refuse to consent to a criminal background check, make false statements in connection with one, or have been convicted of one of a list of felonies.

H.R. 6547 requires local educational agencies (LEAs) or state educational agencies (SEAs) to report to local law enforcement any applicants for school employment who are discovered to be sexual predators. This legislation requires periodic repetitions of such criminal background checks. It further requires such states to provide for a timely process under which school employees may: (1) ap-

peal the results of a criminal background check to challenge the accuracy or completeness of the information produced; and (2) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced. H.R. 6547 requires this appeals process, however, to deny the individual employment as a school employee during the process.

What makes our Nation great is the belief that every child has the right to a quality elementary and secondary education. Children truly represent the future of our country. They are our living national treasures. Yet they are one of our populations that are least capable of protecting themselves. So, it is our duty to do all we can to provide them with a safe learning environment, free from the menacing threat of sexual and violent predators. This legislation takes a positive step toward making safer school environments a reality by requiring background checks for school employees and prohibiting employment of persons who refuse to submit to a criminal background check.

I have always been a strong advocate of protecting our children from sexual predators. I introduced similar legislation in H.R. 288, the "Save Our Children: Stop the Predators Against Children DNA Act of 2009." I believe H.R. 6547, which we are privileged to consider now will provide an important measure of protection for our children from the horrors of sexual and violent predators that we hear about all too frequently in the news. Parents should be able to send their children to school in the morning and know that they will be safe. Children should be able to enjoy their time of innocence and the wonderment of learning without worrying that undue harm to come to them or their classmates. So, I ask my colleagues to stand with me today and vote in favor of the H.R. 6547, "Protecting Students from Sexual and Violent Predators Act."

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6547.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY ACT OF 2010

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (S. 118) to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 118

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Section 202 Supportive Housing for the Elderly Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

## TITLE I—NEW CONSTRUCTION REFORMS

Sec. 101. Selection criteria.

Sec. 102. Development cost limitations.

Sec. 103. Owner deposits.

Sec. 104. Definition of private nonprofit organization.

Sec. 105. Nonmetropolitan allocation.

## TITLE II—REFINANCING

Sec. 201. Approval of prepayment of debt.

Sec. 202. Use of unexpended amounts.

Sec. 203. Use of project residual receipts.

Sec. 204. Additional provisions.

## TITLE III—ASSISTED LIVING FACILITIES AND SERVICE-ENRICHED HOUSING

Sec. 301. Amendments to the grants for conversion of elderly housing to assisted living facilities.

Sec. 302. Monthly assistance payment under rental assistance.

## TITLE IV—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

Sec. 401. Budgetary effects.

## TITLE I—NEW CONSTRUCTION REFORMS

### SEC. 101. SELECTION CRITERIA.

Section 202(f)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(f)(1)) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph:

“(F) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in subparagraphs (A) and (B) of subsection (g)(2);”.

### SEC. 102. DEVELOPMENT COST LIMITATIONS.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding subparagraph (A), by inserting “reasonable” before “development cost limitations”.

### SEC. 103. OWNER DEPOSITS.

Section 202(j)(3)(A) of the Housing Act of 1959 (12 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the period at the end the following: “Such amount shall be used only to cover operating deficits during the first 3 years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.”.

### SEC. 104. DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended to read as follows:

“(4) The term ‘private nonprofit organization’ means—

“(A) any incorporated private institution or foundation—

“(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

“(ii) which has a governing board—

“(I) the membership of which is selected in a manner to assure that there is significant representation of the views of the community in which such housing is located; and

“(II) which is responsible for the operation of the housing assisted under this section,

except that, in the case of a nonprofit organization that is the sponsoring organization of multiple housing projects assisted under this section, the Secretary may determine the criteria or conditions under which financial, compliance and other administrative responsibilities exercised by a single-entity private nonprofit organization that is the owner corporation responsible for the operation of an individual housing project may be shared or transferred to the governing board of such sponsoring organization; and

“(iii) which is approved by the Secretary as to financial responsibility; and

“(B) a for-profit limited partnership the sole general partner of which is—

“(i) an organization meeting the requirements under subparagraph (A);

“(ii) a for-profit corporation wholly owned and controlled by one or more organizations meeting the requirements under subparagraph (A); or

“(iii) a limited liability company wholly owned and controlled by one or more organizations meeting the requirements under subparagraph (A).”.

### SEC. 105. NONMETROPOLITAN ALLOCATION.

Paragraph (3) of section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting after the period at the end the following: “In complying with this paragraph, the Secretary shall either operate a national competition for the nonmetropolitan funds or make allocations to regional offices of the Department of Housing and Urban Development.”.

## TITLE II—REFINANCING

### SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.

Subsection (a) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) in the matter preceding paragraph (1), by inserting “, for which the Secretary’s consent to prepayment is required,” after “Affordable Housing Act”);

(2) in paragraph (1)—

(A) by inserting “at least 20 years following” before “the maturity date”;

(B) by inserting “project-based” before “rental assistance payments contract”;

(C) by inserting “project-based” before “rental housing assistance programs”; and

(D) by inserting “, or any successor project-based rental assistance program,” after “1701s”);

(3) by amending paragraph (2) to read as follows:

“(2) the prepayment may involve refinancing of the loan if such refinancing results in—

“(A) a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

“(B) a transaction in which the project owner will address the physical needs of the project, but only if, as a result of the refinancing—

“(i) the rent charges for unassisted families residing in the project do not increase or such families are provided rental assistance under a senior preservation rental assistance contract for the project pursuant to subsection (e); and

“(ii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

“(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

“(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability

Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)); and”; and

(4) by adding at the end the following:

“(3) notwithstanding paragraph (2)(A), the prepayment and refinancing authorized pursuant to paragraph (2)(B) involves an increase in debt service only in the case of a refinancing of a project assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower.”.

### SEC. 202. USE OF UNEXPENDED AMOUNTS.

Subsection (c) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking “USE OF UNEXPENDED AMOUNTS.—” and inserting “USE OF PROCEEDS.—”;

(2) by amending the matter preceding paragraph (1) to read as follows: “Upon execution of the refinancing for a project pursuant to this section, the Secretary shall ensure that proceeds are used in a manner advantageous to tenants of the project, or are used in the provision of affordable rental housing and related social services for elderly persons that are tenants of the project or are tenants of other HUD-assisted senior housing by the private nonprofit organization project owner, private nonprofit organization project sponsor, or private nonprofit organization project developer, including—”;

(3) by amending paragraph (1) to read as follows:

“(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services, except that upon the request of the non-profit owner, sponsor, or organization and determination of the Secretary, such 15 percent limitation may be waived to ensure that the use of unexpended amounts better enables seniors to age in place;”;

(4) in paragraph (2), by inserting before the semicolon the following: “, including reducing the number of units by reconfiguring units that are functionally obsolete, unmarketable, or not economically viable”;

(5) in paragraph (3), by striking “or” at the end;

(6) in paragraph (4), by striking “according to a pro rata allocation of shared savings resulting from the refinancing.” and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

“(5) rehabilitation of the project to ensure long-term viability; and

“(6) the payment to the project owner, sponsor, or third party developer of a developer’s fee in an amount not to exceed or duplicate—

“(A) in the case of a project refinanced through a State low income housing tax credit program, the fee permitted by the low income housing tax credit program as calculated by the State program as a percentage of acceptable development cost as defined by that State program; or

“(B) in the case of a project refinanced through any other source of refinancing, 15 percent of the acceptable development cost. For purposes of paragraph (6)(B), the term ‘acceptable development cost’ shall include, as applicable, the cost of acquisition, rehabilitation, loan prepayment, initial reserve deposits, and transaction costs.”.

### SEC. 203. USE OF PROJECT RESIDUAL RECEIPTS.

Paragraph (1) of section 811(d) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking “not more than 15 percent of”; and

(2) by inserting before the period at the end the following: “or other purposes approved by the Secretary”.

#### SEC. 204. ADDITIONAL PROVISIONS.

Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by adding at the end the following new subsections:

“(e) SENIOR PRESERVATION RENTAL ASSISTANCE CONTRACTS.—Notwithstanding any other provision of law, in connection with a prepayment plan for a project approved under subsection (a) by the Secretary or as otherwise approved by the Secretary to prevent displacement of elderly residents of the project in the case of refinancing or recapitalization and to further preservation and affordability of such project, the Secretary shall provide project-based rental assistance for the project under a senior preservation rental assistance contract, as follows:

“(1) Assistance under the contract shall be made available to the private nonprofit organization owner—

“(A) for a term of at least 20 years, subject to annual appropriations; and

“(B) under the same rules governing project-based rental assistance made available under section 8 of the Housing Act of 1937 or under the rules of such assistance as may be made available for the project.

“(2) Any projects for which a senior preservation rental assistance contract is provided shall be subject to a use agreement to ensure continued project affordability having a term of the longer of (A) the term of the senior preservation rental assistance contract, or (B) such term as is required by the new financing.

“(f) SUBORDINATION OR ASSUMPTION OF EXISTING DEBT.—In lieu of prepayment under this section of the indebtedness with respect to a project, the Secretary may approve—

“(1) in connection with new financing for the project, the subordination of the loan for the project under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and the continued subordination of any other existing subordinate debt previously approved by the Secretary to facilitate preservation of the project as affordable housing; or

“(2) the assumption (which may include the subordination described in paragraph (1)) of the loan for the project under such section 202 in connection with the transfer of the project with such a loan to a private nonprofit organization.

“(g) FLEXIBLE SUBSIDY DEBT.—The Secretary shall waive the requirement that debt for a project pursuant to the flexible subsidy program under section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection with a prepayment, refinancing, or transfer under this section of a project if the financial transaction or refinancing cannot be completed without the waiver.

“(h) TENANT INVOLVEMENT IN PREPAYMENT AND REFINANCING.—The Secretary shall not accept an offer to prepay the loan for any project under section 202 of the Housing Act of 1959 unless the Secretary—

“(1) has determined that the owner of the project has notified the tenants of the owner's request for approval of a prepayment; and

“(2) has determined that the owner of the project has provided the tenants with an opportunity to comment on the owner's request for approval of a prepayment, including on the description of any anticipated rehabilitation or other use of the proceeds from the transaction, and its impacts on

project rents, tenant contributions, or the affordability restrictions for the project, and that the owner has responded to such comments in writing.

“(i) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—For purposes of this section, the term ‘private nonprofit organization’ has the meaning given such term in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)).”

#### TITLE III—ASSISTED LIVING FACILITIES AND SERVICE-ENRICHED HOUSING

##### SEC. 301. AMENDMENTS TO THE GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

(a) TECHNICAL AMENDMENT.—The section heading for section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) is amended by inserting “and other purposes” after “assisted living facilities”.

(b) EXTENSION OF GRANT AUTHORITY.—Section 202b(a)(2) of the Housing Act of 1959 (12 U.S.C. 1701q–2(a)(2)) is amended—

(1) by striking “(2) CONVERSION.—Activities” and inserting the following:

“(2) CONVERSION.—

“(A) ASSISTED LIVING FACILITIES.—Activities”; and

(2) by adding at the end the following:

“(B) SERVICE-ENRICHED HOUSING.—Activities designed to convert dwelling units in the eligible project to service-enriched housing for elderly persons.”

(c) AMENDMENT TO APPLICATION PROCESS.—Section 202b(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q–2(c)(1)) is amended by inserting “for either an assisted living facility or service-enriched housing” after “activities”.

(d) REQUIREMENTS FOR SERVICES.—Section 202b(d) of the Housing Act of 1959 (12 U.S.C. 1701q–2(d)) is amended to read as follows:

“(d) REQUIREMENTS FOR SERVICES.—

“(1) SUFFICIENT EVIDENCE OF FIRM FUNDING COMMITMENTS.—The Secretary may not make a grant under this section for conversion activities unless an application for a grant submitted pursuant to subsection (c) contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility or service-enriched housing, which may be provided by third parties.

“(2) REQUIRED EVIDENCE.—The Secretary shall require evidence that each recipient of a grant for service-enriched housing under this section provides relevant and timely disclosure of information to residents or potential residents of such housing relating to—

“(A) the services that will be available at the property to each resident, including—

“(i) the right to accept, decline, or choose such services and to have the choice of provider;

“(ii) the services made available by or contracted through the grantee;

“(iii) the identity of, and relevant information for, all agencies or organizations providing any services to residents, which agencies or organizations shall provide information regarding all procedures and requirements to obtain services, any charges or rates for the services, and the rights and responsibilities of the residents related to those services;

“(B) the availability, identity, contact information, and role of the service coordinator; and

“(C) such other information as the Secretary determines to be appropriate to ensure that residents are adequately informed of the services options available to promote resident independence and quality of life.”

(e) AMENDMENTS TO SELECTION CRITERIA.—Section 202b(e) of the Housing Act of 1959 (12 U.S.C. 1701q–2(e)) is amended—

(1) in paragraph (2)—

(A) by inserting “or service-enriched housing” after “facilities”; and

(B) by inserting “service-enriched housing” after “facility”;

(2) in paragraph (5), by inserting “or service-enriched housing” after “facility”; and

(3) in paragraph (6), by inserting “or service-enriched housing” after “facility”.

(f) AMENDMENTS TO SECTION 8 PROJECT-BASED ASSISTANCE.—Section 202b(f) of the Housing Act of 1959 (12 U.S.C. 1701q–2(f)) is amended—

(1) in paragraph (1), by inserting “or service-enriched housing” after “facilities” each time that term appears; and

(2) in paragraph (2), by inserting “or service-enriched housing” after “facility”.

(g) AMENDMENTS TO DEFINITIONS.—Section 202b(g) of the Housing Act of 1959 (12 U.S.C. 1701q–2(g)) is amended to read as follows:

“(g) DEFINITIONS.—For purposes of this section—

“(1) the term ‘assisted living facility’ has the meaning given such term in section 232(b) of the National Housing Act (1715w(b));

“(2) the term ‘service-enriched housing’ means housing that—

“(A) makes available through licensed or certified third party service providers supportive services to assist the residents in carrying out activities of daily living, such as bathing, dressing, eating, getting in and out of bed or chairs, walking, going outdoors, using the toilet, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light or heavy housework, and which may make available to residents home health care services, such as nursing and therapy;

“(B) includes the position of service coordinator, which may be funded as an operating expense of the property; ;

“(C) provides separate dwelling units for residents, each of which contains a full kitchen and bathroom and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the housing; and

“(D) provides residents with control over health care and supportive services decisions, including the right to accept, decline, or choose such services, and to have the choice of provider; and

“(3) the definitions in section 1701(q)(k) of this title shall apply.”

##### SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL ASSISTANCE.

Clause (iii) of section 8(o)(18)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(18)(B)(iii)) is amended by inserting before the period at the end the following: “, except that a family may be required at the time the family initially receives such assistance to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such an amount or percentage that is reasonable given the services and amenities provided and as the Secretary deems appropriate.”

#### TITLE IV—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

##### SEC. 401. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Massachusetts (Mr. LYNCH) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Section 202 Supportive Housing for the Elderly Act of 2010. I would like to start by thanking Chairman FRANK and Senator HERB KOHL for their efforts on this bill and their dedication to America's seniors. This legislation simply brings HUD's section 202 program, part of our Nation's safety net for the low-income elderly for nearly 50 years, into the 21st century.

Supportive housing of the type funded by section 202 is an effective and cost-efficient program for low-income elderly. Section 202 grants combine high-quality, affordable housing with service coordinators who connect tenants with health, income support, and other community-based services. This produces positive outcomes for the health and quality of life of elderly tenants.

Section 202's housing plus services model extends how long seniors can live independently. This turns out to be cost effective as well, given the alternatives of nursing home care coupled with frequent hospitalizations. However, it is clear that HUD needs to streamline administration of this program to reflect a new financing reality.

The section 202 program was originally designed to be a one-stop shop for nonprofits to cover their entire project costs—that is capital, operating, and supportive services. Due to funding constraints, HUD's 202 grants no longer do so, especially in high-cost areas like my home State of Massachusetts. This requires nonprofit sponsors to access other sources of financing such as low-income housing tax credits.

The bill before us today addresses these concerns while taking into account HUD's legitimate interest in maintaining oversight of its substantial investment in section 202 projects. Senate 118 requires HUD to take advantage of State and local housing finance agencies' better positioning to process mixed finance applications. It also enables nonprofit sponsors to share more fully in the proceeds of refinancing opportunities that are now available in the private sector that some older 202 projects have, so those sponsors can make needed improvements to existing projects and develop desperately needed additional senior housing.

For all of these reasons, I urge my colleagues to vote "yes" on S. 118.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 118, the Section 202 Supportive Housing for the Elderly Act of 2009. As my colleague has said, the bill reforms the section 202 elderly housing program making it more efficient and more effective and better able to meet the housing needs of our elderly. S. 118 is similar to H.R. 2930 that passed the House in the 110th Congress by voice vote.

Affordable housing with supportive services is a key component for seniors who want to stay in their own home and age in place. The section 202 Housing for the Elderly program is the primary HUD program that provides housing exclusively for low-income elderly households. The section 202 program has been a very important tool in addressing these housing needs by providing capital advance grants to nonprofit housing sponsors to build new elderly housing facilities and project rental assistance contracts to subsidize very low-income elderly citizens of these facilities.

Many nonprofit sponsors are faith-based organizations with an exclusive mission to serve the elderly. As a condition of receiving a capital advance, which does not have to be repaid, a nonprofit sponsor must make housing available for a period no less than 40 years. As a result of these efforts, the section 202 program currently supplies 320,000 units of housing for our very low-income elderly citizens.

I am very pleased to see that the language that I worked on in the 110th Congress remains in the bill. My provision would help resolve a problem that nonmetro States, like my home State of West Virginia, have experienced when attempting to qualify for funds through the section 202 program. It is important to recognize, of course, that the need for housing for the very low-income elderly extends to nonmetro areas. The very low-income elderly of rural West Virginia deserve the same resources that are available to the elderly living in larger cities.

Participants and developers of the section 202 program maintain that the current regulation and HUD administration of the program can be time-consuming and bureaucratic. S. 118 will improve the section 202 elderly housing program by streamlining and simplifying the development and preservation of HUD's section 202 properties, and by increasing participation by not-for-profit developers, private lenders, investors, and State and local funding agencies.

Madam Speaker, the need for affordable rental housing in America has an effect on renters of all ages, especially our seniors, and this bill will help ease some of the affordability problems for our senior population. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I want to thank my good friend from Massachusetts for his leadership and his co-manager on the floor for her insightfulness on this legislation and, as well, to Senator KOHL.

I rise in support of S. 118 because so many of us have these very questions being raised in our district, particularly with populations of seniors increasing. My district happens to have one of the highest percentages of senior constituents, and all of them seem to be looking for housing.

□ 1120

I support the underlying initiative, section 202 housing. I have a number of those units in my congressional district. But one of the points that I wanted to highlight is the fact that many of these facilities are falling in disrepair. Even though there are some new facilities—and by my rising to the floor of the House, I would like to encourage my constituents and all those who are listening about how important it is to institute section 202 proposals or projects. They are enormously important, and I think it is important that the provision that encourages the utilization of State and local housing financing agencies is an asset.

One of the most important parts of this legislation is for the nonprofits who engage in 202 to be engaged or share more in the refinancing of these projects. The Heights House in my district, for example, is one that has a very vibrant population of residents who are there, but I know that all who are involved would like to see that property improved and those resources used to ensure that upkeep is continued. In many instances, the owners or nonprofits will say that the return on the property is not enough to keep it at its highest level.

Although we appreciate these properties and we appreciate the idea of these seniors having a place to live, I think that this particular legislation will reinforce section 202 and add to the 320,000 units already there. Our senior population is growing. Many of them have resources, but many do not. And I think the 202 project under HUD is an important concept to provide more housing for our seniors. They deserve, after working and contributing to this great country, the opportunity to live a very good quality of life.

With that, I ask my colleagues to support this legislation, and I thank the gentleman for yielding.

Mrs. CAPITO. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT), a housing advocate and the upcoming chair of the new subcommittee.

Mrs. BIGGERT. I thank the gentlelady for yielding.

Madam Speaker, I rise today as the Republican cosponsor of the House

version of this legislation, H.R. 2930, which was first introduced during the 110th Congress, and I urge my colleagues to support today's bill, Senate 118, the Section 202 Supportive Housing for the Elderly Act. I would also like to thank Chairman FRANK and Ranking Members BACHUS and CAPITO for their work on this legislation. I would also like to thank our Senate counterpart, Senator KOHL of Wisconsin.

Madam Speaker, the section 202 program is the only Federal housing program that directs housing assistance to low-income seniors. And it has already been stressed, but it can't be stressed enough, that it has not been reformed in over a decade and a half. The reforms offered in today's bill will help increase the number of units available to our seniors, a population that is increasing greatly in numbers as the baby boomer generation retires.

In short, the bill will allow a variety of funding sources to be pooled together with section 202 funding to fund housing for seniors. By increasing program efficiencies, the bill will make it easier for section 202 projects to be refinanced and rehabilitated. It will also make it easier for owners to convert properties into those that provide both housing and services for the low-income seniors.

Again, I would like to thank my colleagues for their work on this legislation. And I would also like especially to thank my constituent Mike Frigo, the vice president of Mayslake, which is located in my district, who testified in support of section 202 reform legislation in September 2007. In December 2007, by voice vote, the House passed H.R. 2930, which is similar to the bill under consideration today. So I would urge my colleagues to support the bill.

Mr. LYNCH. Madam Speaker, I have no further requests for time on this side on this issue, but I do want to take an opportunity to thank Mrs. BIGGERT, the gentlelady from Illinois, and Mrs. CAPITO, the gentlelady from West Virginia, for their great work on this bill.

I have—and I'm sure we all have—a number of section 202 developments in our districts. I have plenty, and they serve our low-income seniors extremely well and it really is a program that does improve the quality of life for a lot of our seniors. So I thank the gentleladies for their cooperation.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I have no further requests for time. I want to thank the gentleman from Massachusetts for his good hard work, and I encourage my colleagues to support the bill.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 118.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2010

Mr. MURPHY of Connecticut. Madam Speaker, I move to suspend the rules and pass the bill (S. 1481) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1481

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Frank Melville Supportive Housing Investment Act of 2010”.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

#### SEC. 2. TENANT-BASED RENTAL ASSISTANCE.

(a) RENEWAL THROUGH SECTION 8.—Section 811(d)(4) is amended to read as follows:

“(4) TENANT-BASED RENTAL ASSISTANCE.—

“(A) IN GENERAL.—Tenant-based rental assistance provided under subsection (b)(1) shall be provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

“(B) CONVERSION OF EXISTING ASSISTANCE.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities an amount not less than the amount necessary to convert the number of authorized vouchers and funding under an annual contributions contract in effect on the date of enactment of the Frank Melville Supportive Housing Investment Act of 2010. Such converted vouchers may be administered by the entity administering the vouchers prior to conversion. For purposes of administering such converted vouchers, such entities shall be considered a ‘public housing agency’ authorized to engage in the operation of tenant-based assistance under section 8 of the United States Housing Act of 1937.

“(C) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.”.

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary is authorized to the extent amounts are made available in future appropriations Acts, to provide technical assistance to public housing agencies and other

administering entities to facilitate using vouchers to provide permanent supportive housing for persons with disabilities, help States reduce reliance on segregated restrictive settings for people with disabilities to meet community care requirements, end chronic homelessness, as “chronically homeless” is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361), and for other related purposes.

#### SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting “(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—” after “PROJECT RENTAL ASSISTANCE.—”;

(B) in the first sentence, by inserting after “shall” the following: “comply with subsection (e)(2) and shall”;

(C) by striking “annual contract amount” each place such term appears and inserting “amount provided under the contract for each year covered by the contract”; and

(D) by adding at the end the following new subparagraph:

“(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

“(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, including adequate reserves and service coordinators as appropriate, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

“(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.”.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: “, except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not less than 360 months and shall provide funding for a term of 60 months”; and

(B) by striking “extend any expiring contract” and insert “upon expiration of a contract (or any renewed contract), renew such contract”.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: “PROGRAM REQUIREMENTS”;

(B) by striking paragraph (1) and inserting the following new paragraph:

“(1) USE RESTRICTIONS.—

“(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

“(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the